

REMARKS

This application has been carefully reviewed in light of the final Office Action dated November 20, 2009 and the Advisory Action dated March 15, 2010. Claims 1-16 are currently pending in the application, with Claims 1, 7, 9 and 13 being independent claims. Claims 1, 7, 9, and 13 have been amended, and include the amendments to the claims made in the Amendment After Final filed February 22, 2010. No new matter is believed to have been introduced to the application by this amendment. Support for the amendments can be found, for example, on pages 25, 31, 67, and 84 of the originally filed specification. Reconsideration and further examination are respectfully requested. In view of the foregoing remarks, all of the claims under consideration are believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-5 and 7-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,470,171 ("Helmick"), in view of U.S. Patent No. 7,107,548 ("Shafron"). Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Helmick, in view of U.S. Patent No. 6,484,156 ("Gupta").

A rejection under 35 U.S.C. § 103 in view of prior art references can be properly sustained if the references either expressly or impliedly suggest the claimed invention. MPEP Section 706.02(j); Ex parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

It is respectfully submitted that the applied references fail to satisfy these high burdens. Specifically, the applied references nowhere teach or suggest "if [a] user has rights to utilize [an] enhanced system functionality based on [a] role of the user, then grant[] access to the user to use the additional ability provided by the enhanced system functionality to edit ... educational

content,” as recited in independent Claim 1. Likewise, the applied references nowhere teach or suggest “grant[ing] or deny[ing] a user access, based on the role of the user in [an] extensible educational system, to use [an] additional ability provided by [a] new functionality to edit the educational content,” as recited in independent Claims 7, 9, and 13.

Helmick in col.10 discloses a system that determines if a log-on is from an instructor or from a user, and displays an instructor view or user view of a course home page based on the determination. Helmick, col.10 ll.4-12. Helmick in col.10 also discloses determining if the instructor user is permitted access to an online educational system. Helmick, col.10 ll.17-18. Shafron disclose a library file that, via a browser interface overlay library (referring to a browser Plug-in), “includes the code required to customize, i.e., add, remove and/or modify, [a] browser interface.” Shafron, col.5 ll.2-4.

The applied references, whether alone or in combination, in view of what was known to one of ordinary skill in the art at the time the invention was made, do not, however, teach or suggest letting a user, based on his/her role, have access to an additional ability, provided by an API or plug-in manager to edit educational content, that the user did not have before, i.e., without the additional ability. Specifically, there is no suggestion in the applied references to use the library file of Shafron to suggest providing a functionality to certain users of Helmick, based on their roles, to edit content in a way that the users did not have before the library file was installed. To the contrary, Applicants respectfully submit that the only motivation to combine Shafron with Helmick is hindsight bias.

It is well established that the “case law makes [it] clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references.” *In re*

Dembiczak, 175 F.3d 994 (Fed. Cir. 1999) (emphasis added); *see also, Ecolochem, Inc. v. Southern California Edison Co.*, 227 F.3d 1361 (Fed. Cir. 2000). “The references themselves, not the invention itself, must provide some teaching whereby the applicant’s combination would have been obvious.” *In re Gorman*, 933 F.2d 982 (Fed. Cir. 1991); *Heidelberger Druckmaschinen AG v Hantscho Commercial Products, Inc.*, 21 F.3d 1068 (Fed. Cir. 1993). “Obviousness can not be established by hindsight combination to produce the claimed invention.. . . [I]t is the prior art itself, and not the applicant’s achievement, that must establish the obviousness of the combination.” *In re Dance*, 160 F.3d 1339 (Fed. Cir. 1998).

The remaining reference, Gupta, which was cited in the rejection of dependent Claim 6 that includes installing a file on a server by using a Java archive file, does not remedy the deficiencies of Helmick and Shafron. Specifically, Gupta, whether alone or in combination with Helmick and Shafron, in view of what was known to one of ordinary skill in the art at the time the invention was made, nowhere teaches or suggests “if [a] user has rights to utilize [an] enhanced system functionality based on [a] role of the user, then grant[] access to the user to use the additional ability provided by the enhanced system functionality to edit ... educational content,” as recited in independent Claim 1, or “grant[ing] or deny[ing] a user access, based on the role of the user in [an] extensible educational system, to use [an] additional ability provided by [a] new functionality to edit the educational content,” as recited in independent Claims 7, 9, and 13.

Accordingly, the applied references, whether alone or in combination, in view of what was known to one of ordinary skill in the art at the time the invention was made, do not teach or suggest the features of independent Claims 1, 7, 9, and 13, which are believed to be in condition for allowance.

The other claims currently under consideration in the application are dependent from their respective independent claims discussed above and therefore are believed to be allowable over the applied references for at least similar reasons. Because each dependent claim is deemed to define an additional aspect of the invention, the individual consideration of each on its own merits is respectfully requested. The rejection of the claims under 35 U.S.C. § 103 should therefore be reconsidered and withdrawn.

CONCLUSION

In light of the remarks above, this application should be considered in condition for allowance and the case passed to issue. The absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be other reasons for patentability of any or all claims that have not been expressed. Finally, nothing in this paper should be construed as intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation.

If there are any questions regarding this amendment or the application in general a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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